

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

No. 7:12-CR-00028-F-1

No. 7:13-CV-00213-F

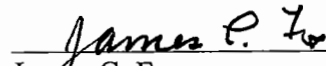
|                           |   |              |
|---------------------------|---|--------------|
| TIMOTHY GAINNEY,          | ) |              |
| Petitioner,               | ) |              |
|                           | ) |              |
| v.                        | ) | <u>ORDER</u> |
|                           | ) |              |
| UNITED STATES OF AMERICA, | ) |              |
| Respondent.               | ) |              |

This matter is before the court on Timothy Gainey's Motion to Withdraw § 2255 Petition [DE-74]. In his motion, Gainey asserts that he wishes to withdraw his § 2255 motion, which is presently pending before this court.

In light of the foregoing, Gainey's Motion to Withdraw § 2255 Petition [DE-74] is ALLOWED, and Gainey's § 2255 motion [DE-45] is DISMISSED as withdrawn. Also, the Government's Motion to Dismiss [DE-57] is DISMISSED as moot.

SO ORDERED.

This the 20 day of September, 2016.

  
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James C. Fox  
Senior United States District Judge